

California Regional Water Quality Control Board
Santa Ana Region

December 20, 2004

STAFF REPORT

ITEM: 12

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Leticia Sabedra, 4618 Glen Street, Glen Avon, Riverside County, APN 169-350-022

DISCUSSION:

On November 21, 2004, Elizabeth Hendrick, acting on behalf of Leticia Sabedra, contacted staff requesting an exemption from the Board's minimum lot size requirements for the use of a second septic tank-subsurface disposal system on a 0.46-acre lot at 4618 Glen Street, Glen Avon. There is currently an existing home on the lot that is connected to an existing septic tank-subsurface disposal system. Mrs. Sabedra purchased the lot/home with the intention of purchasing a second dwelling unit/mobile home to be placed on the lot, where she and her husband could live near their children and be cared for. Mrs. Sabedra wishes to install a second septic tank-subsurface disposal system on her lot to service the added mobile home. There is no sewer available to serve this lot.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. Mrs. Sabedra's proposed development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. With a density of 0.23 acres per dwelling unit, Mrs. Sabedra's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied her request for an exemption from the minimum lot size requirements.

The minimum lot size exemption criteria to be used by Board staff specify that replacement of existing septic tank-subsurface disposal systems to allow additional flows resulting from additions to existing dwelling units is exempt from the one half acre requirement. However, the Board's exemption criteria specifically state that such an exemption does not apply to the addition of freestanding structures, such as a second home (mobile home) on the Sabedra's property. In establishing the exemption criteria, the Board made this distinction because of the potential that the addition of freestanding structures could result, either immediately or in the future, in substantially greater wastewater flows than would be expected as the result of additions to an existing dwelling.

Mrs. Sabedra notes that the additional flows that would occur as a result of this project would be no greater than the flows that would be allowed if they were to add on to the existing house and replace the existing septic tank to accommodate the increased flows, which would be exempt from the minimum lot size criteria. On this basis, Mrs. Sabedra is appealing to the Regional Board for reversal of staff's denial of an exemption from the minimum lot size requirements.

While it is true that there would be no difference in wastewater flows on an immediate basis, i.e., while the Sabedras own the property and their children reside with them, there is no guarantee that wastewater flows would not increase considerably in the future. As stated above, it was on this basis that the Board determined not to exempt the addition of freestanding structures from the minimum lot size requirements. However, this is an exceptional case in that the proposed additional structure is a mobile home. Mrs. Sabedra has offered to remove the second home (mobile home) and septic system from the property once it is no longer required and has agreed to enter into an Agreement of Restriction to be recorded with the property Chain of Title that stipulates that this property may not be sold until the second home (mobile home) and septic system have been removed.

RECOMMENDATION:

Approve Mrs. Sabedra's request for an exemption from the minimum lot size requirement specified in Resolution No. 89-157 with the following stipulations: 1) Once the second home (mobile home) is no longer required for use of the Sabedra family, it shall be removed from the property and the septic tank shall either be demolished or removed from service by filling the tank with sand after proper removal and disposal of septage; and 2) Mrs. Sabedra must enter into an Agreement of Restriction, which shall become a part of the Chain of Title, that the property may not be sold until the mobile home and second septic system has been removed.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez/Matthew Riha
Riverside County Building and Safety – Steve Dondalski
Jurupa Community Services District, Engineering – Nickie Hamic



California Regional Water Quality Control Board

Santa Ana Region



Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

December 2, 2004

Leticia Sabedra
4618 Glen Street
Glen Avon, 92509

APPEAL TO THE REGIONAL BOARD FOR AN EXEMPTION FROM THE MINIMUM LOT SIZE REQUIREMENT FOR THE USE OF AN ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT 4618 GLEN STREET, GLEN AVON, RIVERSIDE COUNTY, APN 169-350-022

Dear Mrs. Sabedra:

This is in response to your request to appeal Regional Board staff's denial of an exemption from the minimum lot size requirement for subsurface disposal system use at the above-referenced site. Your appeal has been scheduled for consideration at the Board's December 20, 2004 meeting at the City Council Chambers of Loma Linda, 25541 Barton Road, Loma Linda. The meeting is scheduled to begin at 9:00 a.m. A copy of the staff report that will be presented to the Board regarding this matter and the agenda announcement for the meeting are enclosed.

During the meeting, you will have an opportunity to present your case to the Board. If you have any questions about the proceedings, please contact Jun Martinez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

for Joanne E. Schneider
Joanne E. Schneider
Environmental Program Manager

Enclosures: Staff Report and Agenda Announcement

cc w/enc: State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez/Matthew Riha
Riverside County Building and Safety – Steve Dondalski
Jurupa Community Services District, Engineering – Nickie Hamic

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California Environmental Protection Agency